

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER )  
("MTBE") PRODUCTS LIABILITY )  
LITIGATION )

This document relates to: )

*New Jersey Department of Environmental* )  
*Protection, et al. v. Atlantic Richfield Co., et al.,* )  
08 Civ. 00312 (SAS) )

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

**KENNETH E. WARNER, SPECIAL MASTER:**

**PRE-TRIAL ORDER #68**  
**(Defendants' Motion to Compel Supplemental Responses to Defendants' Second Set of**  
**Discovery Requests)**

Defendants served a Second Set of Document Requests and Interrogatories in March 2010 (the "Second Set"). They later moved to compel supplementation of plaintiffs' responses to those interrogatories, which were the subject of hearings that I held on October 19 and October 26, 2010. At the October 26 hearing, I ruled on a selection of 33 of the 59 Second Set Interrogatories for the additional purpose of giving guidance to plaintiffs for further supplementation of their responses. Plaintiffs then served Plaintiffs' Second Supplemental Responses to Defendants' Second Set of Interrogatories and Document Requests on November 29, 2010.

Defendants now move to compel further supplementation of plaintiffs' responses to the Second Set. I have reviewed the parties' submissions on this matter, including defendants' letter to plaintiffs dated June 21, 2011, which details the deficiencies in plaintiffs' responses to the Second Set of Interrogatories. With one caveat regarding Interrogatory No. 40, that letter reasonably and accurately applies my earlier rulings with respect to Interrogatory Nos. 2, 3, 4, 6,

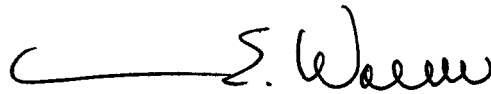
7, 8, 9, 12, 13, 16, 18, 21, 22, 24, 28, 30, 39, 40, 41, 42, 46, 49, 51, 56, 57, 58, and 59.

Therefore, plaintiffs are directed to supplement their responses to these Second Set Interrogatories by no later than November 30, 2011 to provide the information sought by defendants in their June 21, 2011 letter. With regard to Interrogatory No. 40, plaintiffs are directed to provide the information requested by defendants in their June 21 letter, with the exception that plaintiffs need not “indicate whether these employees supported the decision to ‘opt in’ to the RFG program,” as this information appears to be protected by the deliberative process privilege. With regard to the Second Set of Interrogatories Nos. 5, 11, 15, 17, 19, 20, 23, 27, 32, 34, 35, 36, 47, 48, 52, 54, and 55, I will hold oral argument on November 15, 2011 at 11:00 am to address the issues raised regarding those interrogatories.

In addition, when the motion papers at issue were filed, plaintiffs had served only general objections, and no specific objections, to the Second Set of Document Requests. If plaintiffs have specific objections to any of those document requests, they are directed to serve them by no later than November 30, 2011, or such specific objections are waived.

Dated: November 8, 2011

**SO ORDERED:**

A handwritten signature in black ink, appearing to read "K. E. Warner", written over a horizontal line.

Kenneth E. Warner, Special Master